

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDRE JACOBS,	:	
Plaintiff	:	
	:	No. 1:10-cv-02622
v.	:	
	:	(Judge Kane)
DISTRICT ATTORNEY'S	:	
OFFICE, <u>et al.</u>,	:	
Defendants	:	

ORDER

AND NOW, on this 19th day of March 2018, upon consideration of Defendants' motions to dismiss Plaintiff's amended complaint (Doc. Nos. 144, 148, 155, and 161), briefs in support (Doc. Nos. 145, 153, 156, 162), and Plaintiff's brief in opposition (Doc. No. 166), **IT IS**

ORDERED THAT:

1. Defendants Prison Health Services, Inc., Chris Meyers, Stanley Bohinski, and Brian Davis' motion to dismiss (Doc. No. 144), is **GRANTED**, and these Defendants are **DISMISSED** from this action **with prejudice**;
2. Defendants District Attorney's Office, David Pedri, and Jacqueline Musto-Carroll's motion to dismiss (Doc. No. 148), is **GRANTED**, and these Defendants are **DISMISSED** from this action **with prejudice**;
3. Defendants MHM Services, Inc. and Dr. Jane Jesse's motion to dismiss (Doc. No. 155), is **GRANTED**, and these Defendants are **DISMISSED** from this action **with prejudice**;
4. Defendants Department of Corrections' ("DOC") partial motion to dismiss (Doc. No. 161), is **GRANTED in part** and **DENIED in part**;
5. The DOC Defendants' motion is **GRANTED** to the extent that:
 - (a) Defendants Chief Counsel, Bath, Lt. Poper, James Wilk, Philip Walters, Thomas Harrison, Guard Depiero, Robert Care, Lt. Devers, Bradley Scott, Lt. James Eveland, Lt. Stitler, McKeown, Mahally, Cicerchia, MacIntyre, Robowleski, Sgt. Brozowski, Hoover, Leonard, Piepzowski, Rudon, Ellett, McMillian, Dascani, Belles, Emerich, Kepner, Goodwin, Shipe, Tracey Williams, Manchez, Scromski, L.S. Kerns-Barr, Keller, Delbasco, Demming, Brittain, Mooney, Goyne, Rovinski, Starzinski, Lackey, Link, Abrams, Galluci, Hughes,

Silvette, and S. Tubble, Ellers, Kopec, Pahlidal, Zielen, Barrier, and Keins are **DISMISSED with prejudice**;

(b) Plaintiff's free-standing claim of failure to respond to grievances is **DISMISSED with prejudice**;

(c) Plaintiff's verbal harassment claims are **DISMISSED with prejudice**;

(d) Plaintiff's Eighth Amendment claims for denial of food, showers, and exercise are **DISMISSED with prejudice**;

(e) Plaintiff's Fourth and Eighth Amendment claims relating to strip searches are **DISMISSED with prejudice**; and

(f) Plaintiff's claims related to placement on the RRL are **DISMISSED with prejudice**;

6. The DOC Defendants' motion is **DENIED** in all other respects;
7. Defendant Christopher Wilson is **DISMISSED with prejudice**; and
8. The remaining DOC Defendants are **DIRECTED** to file an answer to the remaining claims in the amended complaint within twenty (20) days of the date of this Order.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania